

REMARKS

Favorable reconsideration is respectfully requested in view of the previous amendments and following remarks.

Claim 1 is rejected as being anticipated by U.S. Application Publication No. 2002/0159915, hereinafter Zelina.

In rejecting Claim 1 as being anticipated by Zelina, the Official Action observes that Zelina discloses an embodiment of a decontamination device that omits the exhaust line 174 and the pump 176 from the decontamination tunnel 11. Based on this observation, the Official Action appears to take the position that gaseous sterilizing agent is not evacuated from the decontamination tunnel 11 of this particular embodiment, and that this decontamination tunnel 11 is thus inherently at higher pressure than the pressures in the other zones. Though Applicants do not share this view, the amended version of Claim 1 presented here more clearly distinguishes the claimed device at issue here over the disclosure in Zelina.

Specifically, Claim 1 is amended to recite that the device for sterilization in production of packages includes means for controlling a flow of gaseous sterilizing agent in the sterilization zone such that the gaseous sterilizing agent is both introduced into and evacuated from the sterilization zone. The amendment is fully supported by the originally filed specification, for example, in the paragraph starting on line 29 of page nine. As discussed above, in the embodiment relied upon by the Official Action, gaseous sterilizing agent is not both introduced into and evacuated from Zelina's decontamination tunnel 11.

Accordingly, Zelina cannot be said to disclose a device for sterilization in production of packages, including a heating zone, a sterilization zone, a venting

zone, means for maintaining a higher pressure in the sterilization zone than in the heating zone and venting zone, and means for controlling a flow of gaseous sterilizing agent in the sterilization zone such that the gaseous sterilizing agent is both introduced into and evacuated from the sterilization zone, in combination with the other features recited in amended Claim 1.

Claim 1 is therefore allowable over Zelina, and withdrawal of the rejection of Claim 1 is respectfully requested.

Claims 1-19 of this application are also rejected on double patenting grounds as being unpatentable over Claims 11-20 of U.S. Patent No. 6,692,684 in view of the disclosure of Zelina. However, the claims of the '684 patent do not recite means for controlling a flow of gaseous sterilizing agent in a sterilization zone such that the gaseous sterilizing agent is both introduced into and evacuated from the sterilization zone. Moreover, as discussed above in responding to the prior art rejections, Zelina does not disclose such an arrangement. Accordingly, it is respectfully requested that the double patenting rejection be withdrawn.

Regarding the provisional double patenting rejection, Applicants will respond as appropriate when the rejection is no longer provisional or when this application is otherwise in condition for allowance.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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